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PHILLIP C. ENGERS, WARREN J.  
MCFALL, DONALD G. NOERR,  
and GERALD SMIT, individually and  
on behalf of all others  
similarly situated,

Plaintiffs,

vs.

AT&T and AT&T MANAGEMENT  
PENSION PLAN,  
Defendants.

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: **UNITED STATES DISTRICT**  
: **COURT FOR THE DISTRICT**  
: **OF NEW JERSEY**  
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: C.A. No. 98-CV-3660  
: (SRC/CCC)  
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**PLAINTIFFS' NOTICE OF MOTION FOR RECONSIDERATION OF  
DISMISSALS OF THE CLASS' FIRST, SECOND AND NINTH  
CLAIMS FOR RELIEF BASED ON AGE DISCRIMINATION**

TO: Christopher Mills and Patricia Robinson  
Fisher & Phillips  
Corporate Park III  
580 Howard Avenue  
Somerset, NJ 08873

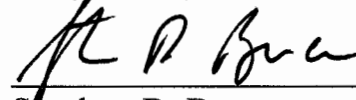
PLEASE TAKE NOTICE that on October 23, 2006, at 9:00 a.m. or as soon  
thereafter as counsel may be heard, the undersigned counsel for the named  
Plaintiffs are moving before the Honorable Stanley R. Chesler, U.S.D.J., for an

Order granting reconsideration of the June 29, 2000 and June 6, 2001 dismissals of the Class' First, Second and Ninth Claims for Relief (the "age discrimination" claims) in light of *Smith v. City of Jackson*, 544 U.S. 228 (2005), the Treasury Department's explanation of the unambiguous statutory term "any age," four subsequent district court decisions, and the August 2006 Pension Protection Act.

PLEASE TAKE FURTHER NOTICE that Plaintiffs rely on the enclosed Memorandum of Law and all papers previously filed with the Court in this matter. A Proposed Order accompanies this Motion and oral argument is requested.

Dated: September 27, 2006

Respectfully submitted,



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